

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MONTY L. MOORE,

Plaintiff,

v.

KITTITAS COUNTY FIRE
DISTRICT NUMBER 8, et al.,

Defendants.

NO. CV-15-3083-LRS

**ORDER RE
MOTION TO APPROVE
AND CONFIRM**

BEFORE THE COURT is the Motion To Approve Defendants' Waivers Of Conflict Of Interest And Confirm Continued Representation By Counsel (ECF No. 51). This motion was filed by the individual Defendants named in the Amended Complaint (Robert and Margaret Angrisano, Jerry and Gayle Watts, Teri and Steve Sittauer, and David and Sarah Houseberg). It is heard without oral argument.

The motion represents that : 1) in December 2016 and January 2017, "the parties negotiated the non-financial terms of the settlement and exchanged drafts of a stipulated motion for determination of reasonableness and entry of a stipulated judgment;" 2) that "[t]he individual Defendants had differences between themselves regarding non-financial terms of the settlement and the language to be included in the stipulation;" and 3) "[i]n light of the different positions taken by the Defendants," counsel advised them that he had a continuing conflict of interest to represent them in the settlement. The motion then goes on to represent,

**ORDER RE MOTION
TO APPROVE AND CONFIRM-**

1 however, that "[o]n Friday, February 3, 2017, **all Defendants agreed upon**
2 **language to be included in the proposed Stipulation for Judgment to be**
3 **presented to the Court for a determination of reasonableness.**" (Emphasis
4 added). It therefore appears there is no longer an actual or potential conflict of
5 interest for the court's review and determination. Indeed, in the Motion To
6 Expedite Hearing (ECF No. 52), previously granted by text order, Defendants'
7 counsel represents that "a potential conflict of interest amongst the Defendants
8 [has] been resolved."¹

9 Based on the representations contained in the Motion To Approve and
10 Confirm, and the Waivers Of Conflict of Interest And Confirmation Of Joint
11 Defense Agreement executed by each of the named Defendants (including the Fire
12 District), Thomas G. Burke, Esq., is authorized to continue to represent all of the
13 Defendants in this litigation pending further order of the court.

14 It was previously anticipated that Plaintiff and the Defendants would be
15 filing a Joint Motion For Approval Of Settlement pursuant to RCW 4.22.60. It is
16 assumed that is still intended once the remaining details of the settlement are
17 concluded. Accordingly, within thirty (30) days of the date of this order, the
18 parties shall serve and file their Joint Motion and contact the court's courtroom
19 deputy to calendar the motion for an in-court hearing at an appropriate time.

20 Subject to the foregoing, the Motion To Approve Defendants' Waivers Of
21 Conflict Of Interest And Confirm Continued Representation By Counsel (ECF No.
22 51) is **GRANTED** as set forth herein.

23
24 ¹ Any future conflicts may be brought to the attention of the court, if
25 necessary. The court observes that each of the waivers contain language
26 preserving the right to cancel the waiver and withdraw from the Joint Defense
27 Agreement at any time, as provided in the Agreement.
28

ORDER RE MOTION

TO APPROVE AND CONFIRM-

IT IS SO ORDERED. The District Court Executive is directed to forward copies of this order to counsel of record.

DATED this 13th day of February, 2017.

s/Lonny R. Suko

LONNY R. SUKO
Senior United States District Court Judge